

### Remarks

This is a response to the Office Action dated November 26, 2004.

Per the above amendment, claims 1, 5-9 and 15 were amended.

I. Applicants respectfully traverse the objection to claim 13, as the recitation of "comprising the steps of" in claim 12 is clearly not "in a closed form" as suggested by the examiner. For it is a touchstone of patent law that the word "comprising" is an open ended term and that a claim having the phrase "comprising the steps of" can certainly have additional claims dependent therefrom. See MPEP § 2111.03, 2<sup>nd</sup> paragraph. The objection is therefore respectfully requested to be withdrawn.

II. Claims 1, 2, 5, 6, 9, 11, 15 and 16 were rejected under 35 U.S.C. 102(e) as being anticipated by Heo et al U. S. Patent No. 5,987,417.

Regarding the rejection to claim 1, the Examiner refers to column 12, lines 23-31 of Heo et al U. S. Patent No. 5,987,417.

Heo et al, column 12, lines 23-31, read as follows: "To accomplish the above and other objects of the present invention, there is provided a DVD video/audio disk having information areas each storing an audio title information management table, and respective data areas each storing audio packs of a linear PCM mode, wherein a first, second or third number of quantization bits, a corresponding first, second, or third sampling frequency, and information relative to the number of audio channels are all recorded on the audio title information management table, each audio pack being provided with audio packets made up of the corresponding number of quantization bits, ... ."

Accordingly, column 12, lines 23-31 of Heo et al does not disclose a converter for converting a data stream containing audio packs into packets which is recited in claim 1. Nor does column 12, lines 23-31 of Heo et al disclose the recitations of claim 1 that a given

area of each packet is assigned to real data, and that "the channel information corresponding to the portion of the audio contents information".

Therefore, claim 1 is not anticipated by Heo et al.

Regarding the rejection to claim 2, the Examiner refers to Heo et al column 20, lines 62-65, and Figs. 16 and 17.

The referenced portion of Heo et al does not disclose the claim 2 recitation of "the packets resulting from conversion of a data stream containing audio packs". The referenced portion of Heo et al further fails to disclose the part of claim 2 which recites that a given area of each packet is assigned to real data, and the recitation "the channel information corresponding to the portion of the audio contents information".

Therefore, claim 2 is not anticipated by Heo et al.

Regarding the rejection to claim 5, the Examiner refers to Heo et al, column 19, lines 63-66.

This referenced portion of Heo et al does not disclose a converter for converting a data stream containing an audio data stream into packets which is recited in claim 5. The referenced portion of Heo et al also fails to disclose the recitation of claim 5 that a given area of each packet is assigned to real data.

Therefore, claim 5 is not anticipated by Heo et al.

Regarding the rejection to claim 6, the Examiner refers to Heo et al, column 12, lines 15-17 and lines 37-43.

This referenced portion of Heo et al does not disclose the claim 6 recitation of "the packets resulting from conversion of a data stream containing an audio data stream". The referenced portion of Heo et al also fails to disclose the recitation of claim 6 that a given area of each packet is assigned to real data.

Therefore, claim 6 is not anticipated by Heo et al.

Regarding the rejection to claim 9, the Examiner refers to Heo et al, column 20, lines 39-42 and column 21, lines 34-43.

This referenced portion of Heo et al does not disclose a converter for converting a data stream containing audio packs into packets which is recited in claim 9. The referenced portion of Heo et al also fails to disclose the recitation of claim 9 that at least one of a down sampling flag, a down mix flag, and a dequantization flag is enabled to be placed in the given area in each packet.

Therefore, claim 9 is not anticipated by Heo et al.

Regarding the rejection to claim 11, the Examiner refers to Heo et al, column 21, lines 34-43.

This referenced portion of Heo et al does not disclose the claim 11 recitation of "the packets resulting from conversion of a data stream containing audio packs". The referenced portion of Heo et al also fails to disclose the claim 11 recitation that at least one of a down sampling flag, a down mix flag, and a dequantization flag is enabled to be placed in the given area in each packet. The referenced portion of Heo et al further fails to disclose means for decoding the at least one of the down sampling flag, the down mix flag, and the dequantization flag which is recited in claim 11.

Therefore, claim 11 is not anticipated by Heo et al.

For a reason similar to that concerning claim 5, claim 15 is likewise not anticipated by Heo et al.

For reasons similar to those concerning claims 6 and 15, claim 16 is not anticipated by Heo et al.

III. Claims 3, 4, 7, 8, 10, 12-14, 17, 18 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Heo et al and Horiguchi et al U. S. Patent No. 6,137,949.

Regarding the rejection to claim 3, the Examiner refers to Heo et al and Horiguchi et al U. S. Patent No. 6,137,949, column 1, lines 24-26.

It is respectfully submitted that neither the referenced portion of Horiguchi et al nor Heo et al disclose the step of "converting a data stream containing audio packs into packets" which is recited in claim 3. Further, neither the referenced portion of Horiguchi et al nor Heo et al disclose the recitation of claim 3 that a given area of each packet is assigned to real data, and the claim 3 recitation of "the channel information corresponding to the portion of the audio contents information".

Therefore, claim 3 is patentable over Heo et al and Horiguchi et al.

For a reason similar to that concerning claim 3, claim 4 is patentable over Heo et al and Horiguchi et al.

For reasons similar to those concerning claims 3 and 5, claim 7 is likewise patentable over Heo et al and Horiguchi et al.

For reasons similar to those concerning claims 4 and 7, claim 8 is patentable over Heo et al and Horiguchi et al.

It is respectfully submitted that Horiguchi et al fail to teach the recited portions of claim 9 which are not disclosed in Heo et al. Therefore, claim 10, which depends from claim 9, should also be patentable over Heo et al and Horiguchi et al.

For reasons similar to those concerning claims 3 and 11, claim 12 is believed to be patentable over Heo et al and Horiguchi et al.

For a reason similar to that concerning claim 12, claim 13 is patentable over Heo et al and Horiguchi et al.

For reasons similar to those concerning claims 4 and 12, claim 14 is patentable over Heo et al and Horiguchi et al.

For reasons similar to those concerning claims 3 and 15, claim 17 is patentable over Heo et al and Horiguchi et al.

For reasons similar to those concerning claims 4 and 17, claim 18 is patentable over Heo et al and Horiguchi et al.

For a reason similar to that concerning claim 14, claim 20 is patentable over Heo et al and Horiguchi et al.

IV. Claims 19 and 21 were rejected under 35 U.S.C. 103(a) as being obvious over the combination of Heo et al and Horiguchi et al as applied to claims 8 and 18, and further in view of Maeda et al U. S. Patent No. 6,072,759.

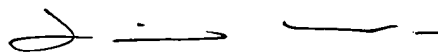
Regarding the rejection to claim 19, the Examiner refers to Heo et al, Horiguchi et al, and Maeda et al U. S. Patent No. 6,072,759, column 4, lines 53-63.

It is respectfully submitted that Horiguchi and the referenced portion of Maeda et al fail to teach the portions of claim 18 which are not disclosed in Heo et al. Therefore, claim 19, which depends from claim 18, is believed to be patentable over Heo et al, Horiguchi et al, and Maeda et al.

Regarding the rejection of claim 21, as Horiguchi and Maeda et al fail to teach the portions of claim 8 which are not disclosed in Heo et al, and as claim 21 depends from claim 8, it is respectfully submitted that claim 21 is patentable over Heo et al, Horiguchi et al, and Maeda et al.

In view of the foregoing, the examiner is respectfully requested to reconsider the application and pass the same to issue at an early date.

Respectfully submitted,



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